

FILED IN CHAMBERS
U.S.D.C. - Rome

United States District Court

Northern District of Georgia

JAN - 8 2020

In the Matter of the Search of:

Information associated with the email address
nadya.i.diaz@gmail.com that is stored at premises owned,
maintained, controlled, or operated by Google Inc., a
company headquartered at 1600 Amphitheater Parkway
Mountain View, CA 94043

APPLICATION & AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 4:20-MC-2

JAMES N. HATTEN, Clerk
By: *Rae Bill*

I, Tim Coakley, being duly sworn, depose and says:

I am a(n) Special Agent of the FBI, and have reason to believe that, on the property or premises known as

See Attachment A, Section I

There is now concealed certain property, certain data, and certain information, namely,

See Attachment A, Section II

which constitutes evidence of the commission of a criminal offense and property, which has been used as the means of committing a criminal offense, concerning violations of Title 18, United States Code, Section 1341 and Title 18, United States Code, Sections 922(g) and 2, over which the United States District Court for the Northern District of Georgia has jurisdiction. The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

Yes No

J. P. Coakley

Signature of Affiant
Tim Coakley

Sworn to before me, and subscribed in my presence

January 8, 2020

Date

WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

AUSA Noah R. Schechtman /404-581-6012

at Rome, Georgia

City and State

Walter E. Johnson
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Timothy P. Coakley, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since May 1997. I am assigned to the Atlanta Division, Dalton Resident Agency, located in Dalton, Georgia. As a federal agent, I am authorized to investigate criminal and civil violations of the laws of the United States and to execute search warrants issued under the authority of the United States. While employed by the FBI, I have been the case agent and/or participated in investigations involving violations of federal law in the areas drug trafficking, firearms violations, kidnapping, crimes against children, public corruption and complex fraud investigations. I have gained experience through training opportunities and the everyday work that is involved in conducting these types of investigations. I have also participated in numerous search warrants related to these investigations.

2. I make this affidavit in support of an application for a search warrant for information associated with email account **nadya.i.diaz@gmail.com** that is stored at premises controlled by Google Inc., an e-mail provider headquartered at 1600 Amphitheatre Parkway Mountain View, CA 94043. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google Inc. to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment A. Upon receipt of the information described in Section I of Attachment A, government-authorized persons will review that information to locate the items described in Section II of Attachment A.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that NADYA IVETTE

DIAZ made false representations to Peter Siakotos to facilitate a fraud against him, in violation of 18 U.S.C. § 1341 (mail fraud). There is also probable cause to believe that NADYA IVETTE DIAZ aided and abetted the possession of firearms by MICHAEL ANTHONY BARR, a previously convicted felon, in violation of 18 U.S.C. §§ 922(g) and 2. Further, there exists probable cause to search the information associated with **nadya.i.diaz@gmail.com** for fruits, evidence, and instrumentalities of these crimes as described in Attachment A.

JURISDICTION

5. This Court has jurisdiction to issue the warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is a court “that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 1341.

Probable Cause Basis

6. In August of 2017, the Whitfield County Sheriff’s Office (WCSO) developed information that MICHAEL ANTHONY BARR was living at 4979 Mitchell Bridge Road, Dalton, Georgia under the assumed identity of CARLOS FONSECA. MICHAEL ANTHONY BARR has

numerous felony convictions. MICHAEL ANTHONY BARR was wanted for an outstanding arrest warrant from the Sandy Springs Police Department in Sandy Springs, Georgia. MICHAEL ANTHONY BARR was living on a 30 acre property with a residence, barn, arena and numerous exotic animals. The WCSO also determined that MICHAEL ANTHONY BARR was regularly observed by employees at the property carrying a 9mm firearm on his side in a holster. MICHAEL ANTHONY BARR was living with girlfriend NADYA IVETTE DIAZ.

7. On August 31, 2017, the WCSO located MICHAEL ANTHONY BARR outside of his residence tending to one of his horses. Detectives from the WCSO and the Murray County Sheriff's Office approached MICHAEL ANTHONY BARR and placed him under arrest for the outstanding arrest warrants from Sandy Springs Police. Following the arrest of MICHAEL ANTHONY BARR a Superior Court Search Warrant was obtained for the property located at 4979 Mitchell Bridge Road in Dalton, Georgia. The search produced over 18,000 rounds of ammunition and nine firearms to include a short-barrel shotgun. Additional items seized included silencers, tactical vests, black police and SWAT T-shirts,

marijuana, cocaine, a Puerto Rico Birth Certificate and a Social Security Card (XXX-XX-0410) in the name of Carlos Fonseca. Also discovered at the property were a high end Mercedes Benz automobile, a BMW convertible and a dual wheeled Dodge pick-up truck.

8. Bureau of Alcohol, Tobacco and Firearms (ATF) trace reports identify NADYA IVETTE DIAZ as the purchaser of four of the firearms found in the search of 4979 Mitchell Bridge Road and in the possession of MICHAEL ANTHONY BARR. The purchases range in dates from January 4, 2016 to May 05, 2017. Records seized during the search of the 4979 Mitchell Bridge Road property include three U.S. Postal Service Express Mail receipts from NADYA IVETTE DIAZ to MICHAEL ANTHONY BARR at the Georgia Diagnostic and Classification Prison in Jackson, Georgia in June of 2013. These receipts would suggest that DIAZ was aware that BARR was a convicted felon prior to BARR's possession of the firearms seized from the Mitchell Bridge Road property.

9. Investigation has determined that MICHAEL ANTHONY BARR and NADYA IVETTE DIAZ have not had any reportable income since at least 2012. Investigation also determined that BARR and DIAZ

were paying \$2,500.00 per month in rent and had paid \$100,000.00 in cash as a payment toward the lease to purchase agreement for the 4979 Mitchell Bridge Road property. BARR and DIAZ were spending over \$5,000.00 per month for their property to include the care for the numerous exotic animals and horses.

10. An examination of three SunTrust bank accounts in the name of NADYA IVETTE DIAZ identify several large cash deposits in 2016 and 2017. On December 9, 2016, a \$171,112.00 deposit was made into the SunTrust bank account of NADYA IVETTE DIAZ. On May 11, 2017, a \$200,000.00 deposit was made into the same SunTrust bank account in the name of NADYA IVETTE DIAZ. A further review of these bank records identified the December 9, 2016 deposit and the May 11, 2017 deposit as personal checks from Peter Siakotos to NADYA IVETTE DIAZ. The activity in the SunTrust bank account reveals numerous large cash withdrawals after these two large check deposits from Peter Siakotos.

11. Peter Siakotos, who resides in Orland Park, Illinois stated that NADYA IVETTE DIAZ was his girlfriend and that they met approximately five years ago in Florida. Peter Siakotos admitted to providing at least

\$700,000.00 to NADYA DIAZ over the course of their relationship. Peter Siakotos stated that the \$171,112.00 check and the \$200,000.00 check were funds provided to NADYA IVETTE DIAZ to pay off a judgement against him for a commercial property he agreed to lease for NADYA IVETTE DIAZ in her attempts to open a "spa." Peter Siakotos described the property as a storefront in a shopping center in Johns Creek, Georgia. Peter Siakotos said that he had been to the property on several occasions but that he never saw any progress with the construction of the spa.

12. I determined that Peter Siakotos and Amate Healing Spa entered into a lease agreement on March 3, 2014 with Medlock Shopping Center in Johns Creek, Georgia. NADYA IVETTE DIAZ is listed on the lease agreement as the registered agent for Amate Healing Spa, and Peter Siakotos is listed as guarantor. The lease was for a term of five years and four months. Peter Siakotos paid \$42,000.00 as an "advance rent" to Medlock Shopping Center. Medlock Shopping Center is owned by G.H. Anderson and Company in Atlanta, Georgia.

13. Peter Siakotos said that he was served with a judgement by a Cook County, Illinois deputy on September 6, 2016. The judgement was

for the broken lease agreement between Peter Siakotos and Amate Healing Spa and the Medlock Shopping Center. Following that service he contacted NADYA IVETTE DIAZ regarding the judgement. Peter Siakotos stated that DIAZ told him that she would contact an attorney and address the judgement. Subsequent to that conversation with DIAZ, Peter Siakotos sent the first \$171,112.00 check, via U.S. mail, to DIAZ. Peter Siakotos said that the second \$200,000.00 check was also sent, via U.S. Mail, as final payment to address the broken lease. Peter Siakotos indicated that he thought that the lease agreement and judgement had been resolved based upon him not receiving any additional legal correspondence.

14. I located a U.S. Mail Priority Express mailing from Oak Lawn, Illinois to a post office facility in Ellijay, Georgia addressed to N. Diaz on December 8, 2016. The signature on the delivery resembles the signature of NADYA IVETTE DIAZ identified on other documents seized in this investigation. Peter Siakotos' business was located in Oak Lawn, Illinois.

15. I also located a second U.S. Mail Priority Express mailing from Chicago Ridge, Illinois to the same post office facility in Ellijay, Georgia addressed to W. Diaz. The signature on the delivery resembles the

signature of NADYA IVETTE DIAZ identified on other documents seized in this investigation. Chicago Ridge, Illinois is located between Peter Siakotos former business in Oak lawn, Illinois and his home residence in Orland Park, Illinois.

16. Peter Siakotos confirmed that he sent the \$171,112.00 and \$200,000.00 checks to an address in Ellijay, Georgia.

17. On January 12, 2018, I interviewed several employees at G.H. Anderson and Company to include G.H. Anderson. I learned that on January 11, 2017, Medlock Shopping Center received an Order and Judgement in Hall County, Georgia State Court against Peter Siakotos in the amount of \$563,627.82 for the unpaid lease payments. Medlock shopping center was never paid any additional rent following the initial \$42,000.00 advance rent payment. The Order and Judgment was placed against Peter Siakotos only, and not NADYA IVETTE DIAZ, as he was the guarantor on the lease agreement. According to the Hall County docket, the Judgement against Peter Siakotos was satisfied on August 7, 2018.

18. I have determined that the \$171,112.00 check and the \$200,000.00 check sent by Peter Siakotos to NADYA IVETTE DIAZ, to

satisfy the judgement and lease agreement for the Medlock Shopping Center property were diverted by DIAZ. Along with MICHAEL ANTHONY BARR, DIAZ utilized those funds for their own personal gain to include placing a \$100,000.00 cash payment to the owner of the 4979 Mitchell Bridge Road property in Dalton, Georgia. Peter Siakotos never authorized NADYA IVETTE DIAZ or MICHAEL ANTHONY BARR to use any of those funds for the 4979 Mitchell Bridge Road property. Peter Siakotos was also unaware of any liens or judgments against him or his property until he was notified by your affiant.

19. This Court authorized a federal search warrant of several electronic devices seized by the WCSO from the 4979 Mitchell Bridge Road. Forensic examination of a Galaxy Note Edge cellular phone pursuant to the warrant revealed email communications by NADYA IVETTE DIAZ using Google email account majestyrayne247@gmail.com. The forensic examination also revealed another email account linked to DIAZ, nadya.i.diaz@gmail.com.

20. Beginning on approximately August 16, 2016, majestyrayne247@gmail.com exchanged several emails with an individual

selling a horse in central New York. After committing to purchase the horse, DIAZ sent the following email to Peter Siakotos (Pete@freshline-foods.com), asking him that he send a payment to the sellers:

Phone was acting up think I got it a bit wet when cleaning it off. Its charging and seems to be ok. Here are the details; make check out to :

Jess Rieks.

2224 Oak Hill Rd., Moravia, NY 13118

\$3600

Have already booked shipper and she should be here by next Thursday. :)

video of her getting vet checked.

21. On February 14, 2018, this Court authorized a federal search warrant for certain evidence contained within the email account majestyrayne247@gmail.com. A review of the information received from Google revealed the following:

- a. On March 16, 2016, majestyrayne247@gmail.com received a forwarded email from **nadya.i.diaz@gmail.com** regarding Portable Document Format (PDF) tickets for the “Legends of Southern Hip Hop” concert occurring at the Fox Theatre that same night.

b. Between April 5, 2016 and May 12, 2016,

majestyrayne247@gmail.com corresponded with dspeath@gunslingercustomerfirearms.com, an email account belonging Daryl Spaeth, the owner of Gunslinger Custom Firearms. The correspondence concerned repairs and custom work that Spaeth would perform on two firearms, a Glock 23 and a Smith and Wesson 1911, as well as two bills from Gunslinger Custom Firearms addressed to "Mike Diaz" and the email account majestyrayne247@gmail.com. During a subsequent interview with law enforcement, Spaeth identified BARR and DIAZ as the two individuals that brought the Glock 23 and Smith and Wesson 911 to his store.

c. On August 2, 2016, majestyrayne247@gmail.com received an email regarding payment of an outstanding balance from "Bridals by Lori." The "To" line reveals the same email was also sent to nadya.i.diaz@gmail.com. The receipt for the transaction, totaling \$6,808.06, also contained the nadya.i.diaz@gmail.com email address as well as DIAZ's name and an address in Cumming, Georgia.

From:	"Bridals By Lori" <cs@bridalsbylori.com>
To:	NADYA I DIAZ@GMAIL.COM, majestyrayne247@gmail.com
Cc:	
Date:	Tue, 02 Aug 2016 13:39:10 -0400
Subject:	Bridals by Lori MyInfo eSign Instructions

d. On August 4, 2016, the majestyrayne247@gmail.com account sent an email to Angie Diaz, believed to be DIAZ's adult daughter, at angiedc183@gmail.com. The email concerned an alleged gift of property to DIAZ's friend, Cindi Snow. Although the email was sent via majestyrayne247@gmail.com, DIAZ identified her contact email address as nadya.i.diaz@gmail.com.

From: Majesty Rain <majestyrayne247@gmail.com>
To: Angie diaz <angiedc183@gmail.com>
Cc:
Date: Thu, 04 Aug 2016 15:53:52 -0400
Subject: Hi

My name is Nadya Diaz, Cindi Snow is a dear friend of mine I was so happy to find out over dinner at Longhorn back in November of 2014. That her long time family friend Dr. Jack Segal stated he wished to gift a property to Cindi and her family, he spoke highly of Cindi and discussed how Cindi was there for him when no one else was. I was not surprised to hear wonderful things about Cindi as she is an amazingly kind hearted lady that deserves such a wonderful blessing. She is always bending backwards for others, even myself and my daughter. I pray this matter gets resolved soon and in her favor as she really needs to close this chapter, as a blessing turned out to be a quiet an ordeal. Please feel free to contact me if you have any questions or concerns at nadya.i.diaz@gmail.com

Kind Regards,
Nadya Diaz

e. Later that same day, the majestyrayne247@gmail.com account sent another email to Angie Diaz at angiedc183@gmail.com. The email was a "revised" edition of the same email sent almost three hours

prior. In this email, DIAZ identified her contact email address as nadya.i.diaz@gmail.com.

From: Majesty Rain <majestyrayne247@gmail.com>
To: Angie diaz <angiedc183@gmail.com>
Cc:
Date: Thu, 04 Aug 2016 18:21:50 -0400
Subject: Hi

My name is Nadya Diaz, Cindie Snow Creecy is a dear friend of mine. I was so happy to find out over dinner at Longhorn back in November of 2014, that her long time family friend Dr. Jack Segal happily gifted a property to Cindie and her family. He spoke highly of Cindie and discussed how Cindie was there for him when no one else was. He really wanted her and the kids to enjoy the property in California. I was not surprised to hear wonderful things about Cindie as she is an amazingly kind hearted lady that deserves such a wonderful blessing. She is always bending backwards for others, even myself and my daughter. I pray this matter gets resolved soon and in her favor as she really needs to close this chapter, as what seemed like a blessing turned out to be a quiet an ordeal. Please feel free to contact me if you have any questions or concerns at nadya.i.diaz@gmail.com or at 404-780-4653.

Kind Regards,
Nadya Diaz

- f. On October 12, 2016, majestyrayne247@gmail.com received an email from Craigslist stating that nadya.i.diaz@gmail.com forwarded information regarding a 2006 Yamaha 1100 Scooter along with a link to the posting.
- g. On November 28, 2016, Lewis S. Straughn, a financial services representative, sent an email to majestyrayne247@gmail.com. In the middle portion of the message, there is an email header showing that

Straughn also sent an email to nadya.i.diaz@gmail.com on November 21, 2016. The November 28, 2016 email concerns Majesty Management Business Automobile Insurance. Majesty Management was a domestic profit corporation registered with the Georgia Secretary of State on December 22, 2015. According to the Secretary of State, DIAZ was the registered agent and CFO and BARR was the CEO. DIAZ's address that was registered with the Secretary of State was the same address on her receipt from "Lori's Bridal."

h. The majesstrayne247@gmail.com account also contained premium and policy information from Progressive Commercial Insurance in the name of Majesty Management Inc. The insured vehicle was a 2015 Dodge Ram 3500 and the email associated with Majesty Management Inc. was nadya.i.diaz@gmail.com.

i. According to the information provided by Google pursuant to the search warrant, the last email sent from nadya.i.diaz@gmail.com to majesstrayne247@gmail.com occurred on May 18, 2017.

22. During a search of the Mitchell Bridge Property on August 31, 2017, officers located a black Dodge Ram which BARR and DIAZ subleased

from the owner in the name of Majesty Management. Firearms purchased by DIAZ were located in the vehicle.

23. During my career as a Special Agent, I have applied for and reviewed the results of numerous search warrants associated with email accounts used by individuals participating in illegal activities. I have also reviewed cellular phone extractions containing multiple email accounts associated with a single user. Based on my experience, individuals engaged illegal activities often employ a communications technique called compartmentalization. Compartmentalization, in the email context, occurs when an individual uses multiple email accounts to discuss specific information with certain persons. Compartmentalization reduces an individual's exposure, masks their identity, and conceals their participation in criminal activities.

24. Based on the above, I believe there is probable cause to believe that email content, IP logs, and other data associated with **nadya.i.diaz@gmail.com** from March 1, 2014 (the month in which the commercial lease was signed for Amate Healing Spa) until August 31, 2018 (the month the judgement was entered against Siakotos in Hall County)

contains evidence of the fraudulent scheme perpetrated by NADYA IVETTE DIAZ against Peter Siakotos, including evidence of her diversion of the funds that were intended to satisfy the lease obligation. There is also probable cause that email content associated with **nadya.i.diaz@gmail.com** during this time frame will contain evidence of DIAZ's knowledge of BARR's status as a previously convicted felon, as relevant to her illicitly aiding and abetting his possession of firearms.

BACKGROUND CONCERNING E-MAIL

25. In my training and experience, I have learned that Google Inc. provides a variety of on-line services, including electronic mail ("e-mail") access, to the public. Google Inc. allows subscribers to obtain e-mail accounts at the domain name "gmail.com", like the e-mail account[s] listed in Attachment A. Subscribers obtain an account by registering with Google Inc. During the registration process, Google Inc. asks subscribers to provide basic personal information which may include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative e-mail addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). Therefore, the

computers of Google Inc. are likely to contain stored electronic communications (including retrieved and unretrieved e-mail for Google Inc. subscribers) and information concerning subscribers and their use of Google Inc. services, such as account access information, e-mail transaction information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

26. In my training and experience, e-mail providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, e-mail providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses

associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the e-mail account.

27. In my training and experience, in some cases, e-mail account users will communicate directly with an e-mail service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. E-mail providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence, instrumentalities, or fruits of the crimes under investigation because the information can be used to identify the account's user or users.

CONCLUSION

28. Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Google Inc. who will then compile the requested records at a time convenient to it,

there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

ATTACHMENT A

Particular Things to be Seized

I. Information to be disclosed by Google Inc. (the "Provider")

To the extent that the information associated with email address **nadya.i.diaz@gmail.com** is within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, the Provider is required to disclose the following information:

- a. The contents of all e-mails associated with the account, including stored or preserved copies of e-mails sent to and from the account, draft e-mails, the source and destination addresses associated with each e-mail, the date and time at which each e-mail was sent, and the size and length of each e-mail;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and

dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

- c. The types of service utilized;
- d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;
- e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that was created between **March 1, 2014 and August 31, 2018** that constitutes fruits, evidence, or instrumentalities of violations of 18 U.S.C. § 1341 and 18 U.S.C. §§ 922(g) and 2, involving **nadya.i.diaz@gmail.com** including information pertaining to the following matters:

- (a) Any and all communications or information relating to NADYA IVETTE DIAZ's representations to Peter Siakotos or other individuals regarding Amata Healing Spa, LLC;
- (b) Any and all communications or information related to payments made to NADYA IVETTE DIAZ by or on behalf of Pete Siakotos;
- (c) Any and all communications or information relating to the lease at Medlock Shopping Center in Johns Creek, Georgia of which Peter Siakotos was a guarantor, including communications regarding legal action by the lessor or a judgment against Peter Siakotos;

- (d) Any all communications or information relating to expenditures by NADYA IVETTE DIAZ or MICHAEL ANTHONY BARR of funds provided by Peter Siakotos;
- (e) Any and all communications or information indicating that NADYA IVETTE DIAZ knew that MICHAEL ANTHONY BARR had been previously convicted of a felony;
- (f) Any and all communications or information related to the purchase, disposition or transfer of a firearm to MICHAEL ANTHONY BARR; and
- (g) Any and all data tending to identify the actual user of the email account.